

REMARKS

Claims 1-34 were pending in this application when the present Office Action was mailed (April 7, 2004). Claim 1 has been cancelled and claims 2-12 have been amended. Of the amended claims, claim 3 has been amended solely to place the claim in independent form and to clarify the antecedent basis for an aspect of the claim. Accordingly, any subsequent rejection of claim 3 on new grounds should not be made final. Claims 35-41 have been added, and accordingly, claims 2-41 are currently pending in the application.

In the Office Action mailed April 7, 2004, all the pending claims were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 2,424,694 to Hawkins ("Hawkins") in view of U.S. Patent No. 2,029,717 to Heinze ("Heinze"), or U.S. Patent No. 5,150,858 to Hopewell ("Hopewell") in view of Heinze.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on July 5, 2004. During the telephone interview, the pending claims and applied references were discussed. As a result of the discussion, the Examiner agreed that the Section 103 rejection of claim 3 would be withdrawn if the claim were rewritten to be in independent form. Claim 3 has been so amended. The following discussion reflects the agreements reached between the undersigned attorney and the Examiner, and summarizes and expands on the points raised during the telephone interview.

A. Response to the Section 103 Rejections of Claims 1-12

Claim 1 has been cancelled and accordingly the Section 103 rejection of claim 1 is now moot. Claims 2 and 4-12 have been amended to depend from claim 3, which, as discussed below, patentably distinguishes over the applied references.

Claim 3 is directed to an aircraft system that includes an airfoil portion configured to be positioned external to an aircraft fuselage, a connecting portion configured to rotatably connect the airfoil portion to the fuselage, and a roller arrangement positioned to be coupled between the connecting portion and the fuselage. The roller arrangement includes a roller support coupleable to one of the fuselage and the connecting portion,

and an arcuate track coupleable to the other of the fuselage and the connecting portion. The arcuate track includes a flange portion having a contact surface, and a web portion disposed inwardly from the flange portion and being generally normal to the flange portion. A first roller is rotatably carried by the roller support and has an external surface in load bearing contact only with the contact surface of the arcuate track. A second roller has an external surface in contact with the web portion. The second roller is rotatable about a second axis generally normal to the first axis, and the first and second rollers restrict motion of the airfoil portion relative to the arcuate track in directions generally normal to the first and second axes while allowing the connecting portion to rotate relative to the arcuate track.

Hopewell discloses a jettisonable foreplane 16 having an anti-rotation spigot 36. Accordingly, Hopewell fails to disclose or suggest a "connecting portion configured to rotatably connect the airfoil portion to the fuselage."

Hawkins discloses a fuselage F having a rotatable horizontal stabilizer W2 carried relative to the fuselage F with an outer tube 86 and an inner tube 85. A bearing 105 carried by the fuselage F rotatably supports the tubes 86, 85, and another bearing 107 carried by the horizontal stabilizer W2 carries an end of the tubes 85, 86.

Heinze discloses a bearing arrangement having a series of radial rollers that engage either an outwardly facing or an inwardly facing surface of a corresponding hub. However, Heinze fails to disclose or suggest rollers that restrict motion in directions generally normal to first and second generally normal axes.

As discussed during the July 5 telephone interview, the applied references fail to support a Section 103 rejection of claim 3 for at least the following reasons. First, Hawkins fails to disclose or suggest a roller arrangement that includes a support coupleable to one of the fuselage and the connecting portion of an aircraft system, and an arcuate track coupleable to the other of the fuselage and the connecting portion, in an arrangement that restricts motion of the airfoil portion in two orthogonal directions. For example, Hawkins' bearing 105 appears to restrict motion of the inner and outer tubes 85, 86 in only a radial direction. It is not clear from Hawkins' disclosure whether or not his other bearing 107 restricts motion in both a radial direction and a thrust

direction (e.g., in a direction generally parallel to the axis of the inner and outer tubes 85, 86), but in any event, the bearing 107 is carried by Hawkins' horizontal stabilizer W2. Assuming for the sake of argument that (a) Hawkins' horizontal stabilizer W2 corresponds at least in part to the airfoil portion of claim 3, (b) his tubes 85, 86 correspond at least in part to the connecting portion of claim 3, and (c) his bearing 107 corresponds at least in part to the roller arrangement of claim 3, his bearing 107 does not include "a roller support coupleable to one of the fuselage and the connecting portion," and "an arcuate track coupleable to the other of the fuselage and the connecting portion," as recited in claim 3.

Second, even if Hawkins did disclose such an arrangement, neither Hawkins nor the other applied references disclose a roller arrangement that restricts motion of an airfoil portion in two generally orthogonal directions. Third, even if any of the references disclosed such a roller arrangement, there appears to be no motivation to apply such an arrangement to Hawkins' horizontal stabilizer. For at least the foregoing reasons, the Section 103 rejection of claim 3 should be withdrawn.

During the July 5 telephone interview with the Examiner, the Examiner agreed that, for at least the foregoing reasons discussed above with reference to claim 3, the Section 103 rejection of claim 13 would be withdrawn. Accordingly, the Section 103 rejection of claim 13, and claims 14-18 (which depend from claim 13) should be withdrawn for the foregoing reasons and for the additional features of these claims.

During the July 5 telephone interview, the Examiner indicated that pending method and apparatus claims that do not include a relationship between a movable airfoil portion and an aircraft fuselage would be restricted from the application. Accordingly, applicants understand that claims 19-34 will be subject to a Restriction Requirement and accordingly do not comment on or address the outstanding rejections of these pending claims at this time.

The Examiner further indicated that method claims generally similar to claims 31-34, drafted to include a relationship between an aircraft fuselage and a movable airfoil portion, would be allowed for the foregoing reasons described above with reference to claim 3. Claims 38-41 correspond generally to claims 31-34, and include the features

identified above by the Examiner. Accordingly, these claims should be in condition for allowance.

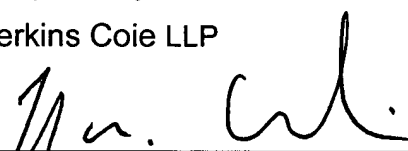
New claim 35 includes many of the features described above with reference to claim 3, including first and second rollers that are in load bearing contact with corresponding first and second surfaces that are generally normal to each other. Claim 36 depends from claim 35. Accordingly, these claims should be in condition of for allowance for at least the foregoing reasons described above with reference to claim 3, and for the additional features of these claims.

B. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3257.

Respectfully submitted,

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